



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

May 4, 2017

James B. Milliken
Chancellor
City University of New York
205 East 42nd Street
New York, New York 10017

Re: Case No. 02-17-2091
Hunter College of the City University of New York

Dear Chancellor Milliken:

On December 27, 2016, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against Hunter College of the City University of New York (the College). The complainant alleged that the College failed to respond promptly and equitably to reports of sexual assault that she made in October and November 2016; and as a result, she was subjected to a sexually hostile environment (Allegation 1). Additionally, the complainant alleged that the College retaliated against her for filing complaints of sexual assault with the College in October and November 2016, by (a) failing to investigate a complaint she made in January 2017 that a (b)(7)(C) took inappropriate pictures of her without her consent, and (b) placing a hold on her student account in or around (b)(7)(C) 2016 (Allegation 2). OCR has determined that these allegations are appropriate for investigation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The College is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, which provides that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

Please note that opening the allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of OCR's Case Processing Manual.

Enclosed is a document entitled, "OCR Complaint Processing Procedures." This document will provide you with an overview of OCR's complaint evaluation, investigation, and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

To facilitate OCR's efforts to investigate this complaint, OCR requests that, within twenty days of the date of this letter, you provide to OCR the information listed on the enclosed data request. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii).

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, "OCR Complaint Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may also be found in the enclosure, and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR staff will contact you within twenty calendar days to discuss the allegations and the complaint resolution process. In the interim, if you have any questions, please contact Janet Pfeffer, Senior Equal Opportunity Specialist, at (646) 428-3833 or Janet.Pfeffer@ed.gov; or Alexander Artz, Senior Compliance Team Attorney, at (646) 428-3901 or Alexander.Artz@ed.gov.

Sincerely,



for Anna Moretto Cramer
Compliance Team Leader

Encl.

Data Request

Case No. 02-17-2091

Hunter College of the City University of New York (the College)

(b)(7)(C)

(the complainant)

(b)(7)(A)

(b)(7)(A)

(b)(7)(A)